

TABLE 4 [RESERVED]

TABLE 5 TO PART 226—HYDROLOGIC UNITS AND COUNTIES CONTAINING CRITICAL HABITAT FOR CENTRAL CALIFORNIA COAST COHO SALMON, TRIBAL LANDS WITHIN THE RANGE OF THE ESU, AND DAMS/RESERVOIRS REPRESENTING THE UPSTREAM EXTENT OF CRITICAL HABITAT

Hydrologic unit name	Hydrologic unit No.	Counties and tribal lands contained in hydrologic unit and within the range of ESU ^{1,2}	Dams (reservoirs)
San Lorenzo-Soquel .. San Francisco Coastal South.	18060001 18050006	Santa Cruz (CA), San Mateo (CA) San Mateo (CA).	Newell Dam (Loch Lomond).
San Pablo Bay Tomales-Drake Bays ..	18050002 18050005	Marin (CA), Napa (CA) Marin (CA), Sonoma (CA)	Phoenix Dam (Phoenix Lake). Peters Dam (Kent Lake); Seeger Dam (Nicasio Reservoir).
Bodega Bay Russian	18010111 18010110	Marin (CA), Sonoma (CA). Sonoma (CA), Mendocino (CA)— <i>Cloverdale Rancheria; Coyote Valley Rancheria; Dry Creek Rancheria; Guidville Rancheria; Hopland Rancheria; Lytton Rancheria; Pinoleville Rancheria; Stewarts Point Rancheria.</i>	Warm Springs Dam (Lake Sonoma); Coyote Dam (Lake Mendocino).
Gualala-Salmon Big-Navarro-Garcia	18010109 18010108	Sonoma (CA), Mendocino (CA). Mendocino (CA)— <i>Manchester/Point Arena Rancheria.</i>	

¹ Some counties have very limited overlap with estuarine, riverine, or riparian habitats identified as critical habitat for this ESU. Consult USGS hydrologic unit maps (available from USGS) to determine specific county and basin boundaries.

² Tribal lands are specifically excluded from critical habitat for this ESU.

[64 FR 24061, May 5, 1999]

TABLE 6 TO PART 226—HYDROLOGIC UNITS AND COUNTIES CONTAINING CRITICAL HABITAT FOR SOUTHERN OREGON/NORTHERN CALIFORNIA COASTS COHO SALMON, TRIBAL LANDS WITHIN THE RANGE OF THE ESU, AND DAMS/RESERVOIRS REPRESENTING THE UPSTREAM EXTENT OF CRITICAL HABITAT

Hydrologic unit name	Hydrologic unit No.	Counties and tribal lands contained in hydrologic unit and within the range of ESU ^{1,2}	Dams (reservoirs)
Mattole South Fork Eel	18010107 18010106	Humboldt (CA), Mendocino (CA). Mendocino (CA), Humboldt (CA)— <i>Laytonville Rancheria; Sherwood Valley Rancheria.</i>	
Lower Eel	18010105	Mendocino (CA), Humboldt (CA), Trinity (CA).	
Middle Fork Eel	18010104	Mendocino (CA), Trinity (CA), Glenn (CA), Lake (CA)— <i>Round Valley Reservation.</i>	
Upper Eel Mad-Redwood	18010103 18010102	Mendocino (CA), Glenn (CA), Lake (CA) ... Humboldt (CA), Trinity (CA)— <i>Big Lagoon Rancheria; Blue Lake Rancheria.</i>	Scott Dam (Lake Pillsbury).
Smith	18010101	Del Norte (CA), Curry (OR)— <i>Elk Valley Rancheria; Smith River Rancheria.</i>	
South Fork Trinity Trinity	18010212 18010211	Humboldt (CA), Trinity (CA). Humboldt (CA), Trinity (CA)— <i>Hoopa Valley Reservation.</i>	Lewiston Dam (Lewiston Reservoir).
Salmon Lower Klamath	18010210 18010209	Siskiyou (CA). Del Norte (CA), Humboldt (CA), Siskiyou (CA)— <i>Karuk Reservation; Resighini Rancheria; Yurok Reservation.</i>	
Scott Shasta Upper Klamath	18010208 18010207 18010206	Siskiyou (CA)— <i>Quartz Valley Reservation.</i> Siskiyou (CA) Siskiyou (CA), Jackson (OR)	Dwinnell Dam (Dwinnell Reservoir). Irongate Dam (Irongate Reservoir).
Chetco Illinois	17100312 17100311	Curry (OR), Del Norte (CA). Curry (OR), Josephine (OR), Del Norte (CA).	Selmac Lake Dam (Lake Selmac).
Lower Rogue Applegate	17100310 17100309	Curry (OR), Josephine (OR), Jackson (OR). Josephine (OR), Jackson (OR), Siskiyou (CA).	Applegate Dam (Applegate Reservoir).
Middle Rogue	17100308	Josephine (OR), Jackson (OR)	Emigrant Lake Dam (Emigrant Lake).

Hydrologic unit name	Hydrologic unit No.	Counties and tribal lands contained in hydrologic unit and within the range of ESU ^{1,2}	Dams (reservoirs)
Upper Rogue	17100307	Jackson (OR), Klamath (OR), Douglas (OR).	Agate Lake Dam (Agate Lake); Fish Lake Dam (Fish Lake); Willow Lake Dam (Willow Lake); Lost Creek Dam (Lost Creek Reservoir).
Sixes	17100306	Curry (OR).	

¹ Some counties have very limited overlap with estuarine, riverine, or riparian habitats identified as critical habitat for this ESU. Consult USGS hydrologic unit maps (available from USGS) to determine specific county and basin boundaries.

² Tribal lands are specifically excluded from critical habitat for this ESU.

[64 FR 24061, May 5, 1999]

PART 228—NOTICE AND HEARING ON SECTION 103(d) REGULATIONS

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AUTHORITY: 16 U.S.C. 1361 *et seq.*

SOURCE: 65 FR 39560, June 27, 2000, unless otherwise noted.

§ 228.1 Basis and purpose.

(a) Sections 101(a)(2), 101(a)(3)(A), and 101(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2), 1371(a)(3)(A), and 1371(b)) and these regulations authorize the Assistant Administrator of the National Marine Fisheries Service, to:

(1) Impose regulations governing the taking of marine mammals incidental to commercial fishing operations;

(2) Waive the moratorium and to adopt regulations with respect to the taking and importing of animals from each species of marine mammals under

the Assistant Administrator's jurisdiction;

(3) Prescribe regulations governing the taking of depleted marine mammals by any Indian, Aleut or Eskimo, respectively. In prescribing regulations to carry out the provisions of said sections, the Act refers the Assistant Administrator to section 103 (16 U.S.C. 1373). In accordance with section 103(d), regulations must be made on the record after opportunity for an agency hearing on such regulations and, in the case of a waiver, on the determination by the Assistant Administrator to waive the moratorium pursuant to section 101(a)(3)(A) of the Act (16 U.S.C. 1371(a)(3)(A)).

(b) The purpose of this part is to establish rules of practice and procedure for all hearings conducted pursuant to section 103(d) of the Act.

§ 228.2 Definitions.

(a) *Party* means, for the purposes of this subpart:

(1) The Assistant Administrator or the Assistant Administrator's representative;

(2) A person who has notified the Assistant Administrator by specified dates of his or her intent to participate in the hearing pursuant to §§ 228.5 and 228.14(b).

(b) *Witness* means, for the purpose of this part, any person who submits written direct testimony on the proposed regulations. A person may be both a party and a witness.

§ 228.3 Scope of regulations.

The procedural regulations in this part govern the practice and procedure in hearings held under section 103(d) of the Act. These hearings will be governed by the provisions of 5 U.S.C. 556